

# EXHIBIT A

### **UNREASONABLE ENTRY INTO HOME**

Plaintiff Juan Cortez and I.C. each claim that the defendants deprived them of their rights under the Fourth Amendment to be free from unreasonable entry into their home. To prevail on their claims, plaintiffs must prove by a preponderance of the evidence that the entry was unreasonable.

It is undisputed that the defendants did not obtain an arrest warrant before entering into the home. However, an arrest warrant is not required and an entry for the purpose of making an arrest is reasonable if:

- (1) All of the circumstances known to the officers at the time would cause a reasonable person to believe that the entry was necessary to prevent the escape of a fleeing suspect, or to prevent physical harm to the officers or other persons, or to prevent the destruction of evidence; and
- (2) There was a compelling need for the defendants' actions and insufficient time to get an arrest warrant.

If you find by a preponderance of the evidence that this exception to the warrant requirement does not apply, then you must find in favor of plaintiffs Juan Cortez and I.C. on their unreasonable entry claims.

If, on the other hand, you find by a preponderance of the evidence that the exception to the warrant requirement does apply, then you should find for the defendants on the plaintiffs' unreasonable entry claims.